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EXAMINER

GREEN, BRIAN

ART UNIT PAPER NUMBER

3611

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/731,194

Applicant(s)

POLLACK, RONALD M.

Examiner

Brian K. Green

Art Unit

3611

ML

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-22 is/are pending in the application.
- 4a) Of the above claim(s) 12,13,17-20 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-11,14-16 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Election/Restrictions***

Applicant's election without traverse of Group I, and Species I. in the reply filed on 7/21/2004 is acknowledged.

The applicant called Mr. Galgano on Aug. 5, 2004 to clarify the election of species requirement and Mr. Galgano indicated that he still wanted to elect Species I., figures 3,5, and 6.

Claims 12,13,17,-20, and 22 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention and species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7/21/2004.

Claims 12 and 13 have been withdrawn since the applicant states in claim 12 that the hinge connector comprises two corner connectors. The applicant discloses that the hinge connector which includes two corner connectors (70) is shown in figure 4A. Figure 4A is directed to the non-elected Species II (figures 4A,5,8A,8B)..

Drawings

The drawings filed on 7/21/2004 have not been entered since they do not comply with 37 CFR 1.121. The applicant failed to mark in the top margin of each of the sheets with the following heading "Replacement Sheet". Any replacement drawing sheet must be identified in the top margin as "Replacement Sheet".

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the bottom wall which

Art Unit: 3611

is generally a mirror-image of the top wall and side wall as defined in claim 6 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because it contains more than 150 words which is improper. Correction is required. See MPEP § 608.01(b).

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification fails to state that the opening includes a “mouth” as defined in claims 1 and 21.

Claim Objections

Claims 1,2,4-11,14-16, and 21 are objected to because of the following informalities: In claim 1, line 11, “the mouth” should apparently be “a mouth”. In claim 8, Lines 2 and 4, “said corner connector” should be “said at least one corner connector” to remain consistent with claim 7, line 2. In claim 8, line 5, the word “if” should apparently be canceled. In claim 11, line 3, “hinge connector” should apparently be “end connector” since that’s what the applicant calls the connectors (60a,60b) shown in figure 3. In claim 21, line 9, “systems” should apparently be “system” and “hinge connector” should apparently be “end connector”. In claim 21, lines 9-10, the end connectors attach ends of the frames together and not “corners”. In claim 21, line 13, “the mouth” should apparently be “a mouth”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 6 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Art Unit: 3611

The applicant amended claim 1 (amendment filed 12/21/01) to include an "L-shaped step" which is drawn specifically to the species shown in figures 1 A and 1 B. Claim 6 is drawn specifically to the species shown in figures 2A and 2B. This is considered to be new matter since the applicant failed to disclose in the specification as originally filed an embodiment that includes an L-shaped step having three flex points and a bottom wall having a shape which is generally a mirror-image of the top wall and side wall as defined in claim 6.

Claims 6,8,14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 is confusing since it is not clear how the bottom wall can be a mirror image of the top and side wall, i.e. it can be seen how the top and bottom walls can be mirror images but this would not include the side wall. In claim 8, lines 4 and 5, the applicant uses the word "each" which is confusing since there may only be one corner connector (at least one corner connector) and these lines suggest there are at least two corner connectors. In claim 14, if the applicant changes the word "hinge connector" to "end connector" in claim 11 than claim 14 will be identical to claim 11.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

Art Unit: 3611

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2, and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Ryan (U.S. Patent No. 5,040,318).

Ryan shows in figures 7 and 8 a plurality of edge supports (29) that includes a plurality of segments having a slotted, channel-shaped cross-sectional profile to define a "single" opening, the segments comprising a top wall (see attached figure labeled Exhibit), a bottom wall, and a side wall which includes an L-shaped portion having three flex points. The side wall joins the rear ends of the top and bottom walls, see figure 7. The front ends of the top and bottom walls form a mouth of the opening. The opening is considered to be the space between the front ends of the top and bottom walls and the opening is considered to receive a portion of the sidewall therein. The front ends of the top and bottom walls are capable of resiliently grasping a poster board. Ryan discloses in column 1, lines 10-12 that the segments are used to form a frame. In regard to claim 5, Ryan shows in figure 7 that the top wall includes an overhang (33). In regard to claim 6, the top and bottom walls are mirror-images of one another and the sidewall is as much a mirror-image as the applicant's side wall.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 3611

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-11,14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan (U.S. Patent No. 5,040,318) in view of Pollack (U.S. Patent No. 5,398,376).

In regard to claims 7-10, Ryan does not disclose whether corner connectors are used. Pollack shows in figures 1-6 the use of corner connectors (30) for connecting the segments together in order to form a frame. In view of the teachings of Pollack it would have been obvious to one in the art to modify Ryan by connecting the segments together with corner connectors since this would create a more aesthetically pleasing and more durable frame. In regard to claims 11,14, and 21, Ryan does not disclose the idea of connecting a pair of frames together with a hinge connector. Pollack '376 shows in figures 1-6 the idea of using a hinge connector (10) to connect two or more frames together. In view of the teachings of Pollack '376 it would have been obvious to one in the art to modify Ryan by using a hinge connector since this would allow several frames to be connected together and adjusted relative to one another. The two frames would be connected together by the hinge connector (10) and hence the corners of the two frames would also be connected together, i.e. connected together through the hinge connector (10).

Claims 11,14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan (U.S. Patent No. 5,040,318) in view of Yee (U.S. Patent No. 3,132,432).

Art Unit: 3611

Ryan does not disclose the idea of connecting a pair of frames together with a hinge. Yee shows in figure 2 the idea of using a hinge connector (11) to connect two or more frames together. In view of the teachings of Yee it would have been obvious to one in the art to modify Ryan by using a hinge connector since this would allow several frames to be connected together and display several posters in multiple directions at the same time.

Claims 7-11 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan (U.S. Patent No. 5,040,318) in view of Pollack (U.S. Patent No. 4, 986, 013).

In regard to claims 7-10, Ryan does not disclose whether corner connectors are used. Pollack shows in figures 1-6 the use of corner connectors (40) for connecting the segments together in order to form a frame. In view of the teachings of Pollack it would have been obvious to one in the art to modify Ryan by connecting the segments together with corner connectors since this would create a more aesthetically pleasing and more durable frame. In regard to claims 11 and 14-16, Ryan does not disclose the idea of connecting a pair of frames together with a connector. Pollack '013 shows in figure 15 the idea of using a connector (40") to connect two or more frames together. In view of the teachings of Pollack '013 it would have been obvious to one in the art to modify Ryan by using a connector since this would allow several frames to be connected together to allow several posters to be displayed in multiple directions at the same time.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 3611

Pollack '209, Pollack '976, and Pollack '820, and Thistlethwaite et al. teach the use of frames having corner connectors. Seely and Peach teach the use of gripping type frames. Peterson teaches the use of attaching a plurality of frames together.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BRIAN K. GREEN
PRIMARY EXAMINER

Bkg
Aug. 6, 2004

